

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

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|--------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA |) | DOCKET NO. 1:18-CR-92 |
| |) | |
| |) | |
| vs. |) | UNOPPOSED MOTION FOR A |
| |) | DEFINITE SETTING FOR THE |
| |) | PRESENTATION OF EVIDENCE |
| JAMES E. MACALPINE, |) | |
| Defendant. |) | |
| _____ |) | |

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and moves this Court for a definite setting for the presentation of evidence.

1. This case is set for jury trial on the Court's January 7, 2018, criminal jury trial term. Both parties intend to try the case on that trial term, and to pick a jury and handle other preliminary matters on January 7, 2018, as is the custom of this Court.

2. At present, there are other cases in front of this one on the January 7, 2018, term. The best estimate of the undersigned is that the presentation of evidence will begin in this case during the week of January 14, 2018, which is a relatively favorable arrangement, from a witness-scheduling standpoint.

3. The Court's deadline for pleas and/or motions to continue is Friday, December 21, 2018. However, criminal defendants do sometimes plead, or request continuances, after the expiration of that deadline.

4. This case involves various law enforcement and civilian witnesses, some from outside of this jurisdiction. Several have other professional demands, including other court proceedings, competing for their time. At this point, the government needs to go forward and begin arranging for

its witnesses to travel and to attend the trial based on the best information available—that the presentation of evidence is likely to begin during the week of January 14, 2018.

5. Given the intervening holidays, certain year-end fiscal and administrative realities, and the aforementioned competing professional obligations facing some of the government’s witnesses, it would be very difficult, if not impossible, for the government to change gears and move those travel arrangements forward by a week if, for example, all of the other cases belatedly resolved or continued.

6. The government therefore files this motion in the hopes of securing some scheduling certainty. The government has not addressed the Speedy Trial Act because this is not a request to continue the jury trial. It is solely a request to establish a definite schedule for the commencement of the government’s presentation of evidence.

7. The undersigned has consulted with standby counsel, who has consulted with the defendant, James MacAlpine. The undersigned is informed that the defendant does not oppose this request.

WHEREFORE, the government respectfully requests that this Court establish a definite schedule for the presentation of evidence in this case—specifically, that the presentation of evidence will begin the week of January 14.

RESPECTFULLY SUBMITTED, this the 19th day of December, 2018.

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CERTIFICATE OF SERVICE

The foregoing document was filed electronically via ECF and was served on standby counsel for the Defendant via ECF. The contact information for standby defense counsel is listed in ECF as follows:

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